IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4169 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

KB SHAIKH

Appearance:

MR NAVIN K PAHWA for Petitioner

MR MUKESH H RATHOD for Respondent No. 1

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 19/02/2001

ORAL JUDGEMENT

1. By order dated 12.6.2000, Rule was made returnable after 4 weeks. By consent matter is taken up for final hearing today.

2. The respondent workman who was employed as conductor in the S.T.Corporation was dismissed from service after being found guilty of insubordination and rude behaviour in the departmental enquiry. The Labour Court has set-aside the order of dismissal but substituted the punishment of stoppage of 3 increments with permanent effect and without back wages. The learned counsel for the petitioner stated that the respondent has been reinstated in service, but previously too he was dismissed twice on a similar charge but the order of dismissal was set-aside in appeal. She, therefore, submitted that in the circumstances appropriate punishment is required to be awarded. Having heard the learned counsel for the parties, I am of the opinion that interest of justice would be served if punishment of stoppage of 5 annual increments with future effect without back wages is awarded. The award of the Labour Court shall stand modified to the said extent. Rule made absolute accordingly.

(M.C.Patel, J).

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